

In the United States Court of Federal Claims

OSCAR ALBERTO RIOS MELENDEZ,

Plaintiff,

V.

THE UNITED STATES,

Defendant.

No. 19-1835C

Filed: March 25, 2020

DISMISSAL ORDER

Plaintiff *pro se*, Oscar Alberto Rios Melendez, commenced this action on December 2, 2019 (ECF No. 1). On January 29, 2020, the government filed a motion to dismiss this matter for lack of subject-matter jurisdiction, pursuant to Rule 12(b)(1) of the Rules of the United States Court of Federal Claims (“RCFC”) (ECF No. 6). Plaintiff has also moved to proceed in this matter *in forma pauperis* (ECF No. 2).

Plaintiff's response to the government's motion to dismiss was due on February 26, 2020. On March 2, 2020, the Court issued a Show Cause Order directing plaintiff to explain why he failed to timely respond to the government's motion to dismiss and to file his response to the government's motion to dismiss by March 16, 2020 (ECF No. 7). In the Order, the Court informed plaintiff that, should he fail to respond to the government's motion to dismiss by March 16, 2020, the Court would treat plaintiff's failure to respond as a failure to comply with a Court Order and to prosecute this matter, pursuant to RCFC 41(b). Plaintiff has not timely filed a response to the government's motion to dismiss. RCFC 41(b).

In view of the foregoing, the Court:

1. **GRANTS** plaintiff's motion to proceed *in forma pauperis*;
2. **DENIES-AS-MOOT** the government's motion to dismiss; and

3. **DISMISSES** the complaint without prejudice, pursuant to RCFC 41(b).

The Clerk's Office is directed to **ENTER** final judgment consistent with this Order.

No costs.

IT IS SO ORDERED.

Lydia K. Griggsby

LYDIA KAY GRIGGSBY
Judge